

LOCAL CIVIL RULES OF PRACTICE
FOR THE CRAWFORD CIRCUIT COURT
THE 77TH JUDICIAL CIRCUIT
CRAWFORD COUNTY, INDIANA
EFFECTIVE JULY 1, 1995

**ORDER ADOPTING LOCAL CIVIL RULES OF PRACTICE
FOR THE CIRCUIT COURT, 77TH JUDICIAL CIRCUIT,
CRAWFORD COUNTY, INDIANA.**

**PURSUANT TO TRIAL RULE 81 OF THE INDIANA RULES OF TRIAL
PROCEDURE, IT IS HEREBY ORDERED THAT THE FOLLOWING LOCAL CIVIL
RULES OF PRACTICE IN THE CIRCUIT COURT OF THE 77TH JUDICIAL
CIRCUIT, CRAWFORD COUNTY, INDIANA, NUMBERED ONE [1] TO
TWENTY-FIVE [25] BE ND THE SAME ARE HEREBY ADOPTED, EFFECTIVE
JULY 1, 1995.**

SO ORDERED THIS 9 DAY OF June, 1995


JUDGE CRAWFORD CIRCUIT COURT

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Rule 1

Applicability of Rules

A. SCOPE.

The following local rules of practice and procedure shall apply to cases filed in the Circuit Court of Crawford County, Indiana, but shall not apply to criminal cases or cases on the Small Claims Docket unless otherwise indicated.

B. EFFECTIVE DATE.

These local rules shall be effective July 1, 1995, and shall supersede such rules heretofore enacted by said Court.

C. CITATION.

These rules may be cited as Local Rule _____, The Indiana Rules of Trial Procedure are hereinafter referred to as Trial Rule _____.

D. PURPOSE.

These rules are promulgated pursuant to Trial Rule 81 of the Indiana Rules of Trial Procedure and are intended to supplement the Indiana Rules of Trial Procedure.

RULE 2

ADMISSION TO PRACTICE

A. GENERALLY. No attorney shall be permitted to practice before the Court as an attorney, except on his own behalf when a party, unless he is a member in good standing of the Bar of the Supreme Court of Indiana.

B. FOREIGN ATTORNEYS. An attorney who is a member in good standing of the bar of the highest court of another state may appear, in the trial court's sole discretion, as an attorney in the Court in a particular proceeding so long as said attorney appears with a member in good standing of the Bar of the Supreme Court of the State of Indiana after petitioning the trial court for the courtesy and disclosing in said petition all pending causes in Indiana in which said attorney has been permitted to appear. Indiana counsel shall sign and be jointly responsible for the contents of all pleadings, motions, briefs, and papers filed in the proceeding, and shall also appear in person with the attorney at each stage of the proceeding.

RULE 3

APPEARANCE AND WITHDRAWAL OF APPEARANCE

A. INITIAL APPEARANCE. An attorney entering an appearance for any party, or a party appearing pro se, shall file a written appearance in compliance with Trial Rule 3.1 and Criminal Rule 2.1. Forms for appearances are contained in the Appendix.

B. WITHDRAWAL OF APPEARANCE. Excepting appearances in estates, guardianships, or criminal matters, an attorney desiring to withdraw his appearance in any other proceeding shall file a written motion requesting leave to do so accompanied by a notice of hearing or proof satisfactory to the Court that at least ten [10] days prior written notice has been given to the client and to all other parties of record in advance of the withdrawal date, which date shall be set forth in the written notice.

C. WITHDRAWAL IN ESTATE, GUARDIANSHIP OR CRIMINAL CASES. An attorney desiring to withdraw his appearance in an estate, guardianship or criminal matter shall file a written motion requesting leave to do so accompanied by a notice of hearing which shall be served upon the personal representative, guardian, or criminal defendant directing said person to appear at the hearing.

D. WAIVER OF RULE. A motion for leave to withdraw an appearance accompanied by a written appearance of successor counsel and, excepting appearances in estate, guardianship or criminal matters, a motion to withdraw an appearance accompanied by a written consent of the client shall constitute a waiver of the requirements of this local rule.

RULE 4

DUTIES OF ATTORNEYS

PREPARATION OF ENTRIES

A. STATUS OF PROCEEDINGS. Each attorney appearing of record and each party to a proceeding shall at all times keep themselves informed of the status of the proceeding and shall be particularly bound by hearing dates orally set by the Court from the bench in their presence.

B. PREPARATION OF ENTRY. When opposing counsel has appeared in a proceeding, the attorney who has agreed to prepare an entry as requested by the Court shall place on the last page of the entry appropriate signature lines indicating "prepared by" and "reviewed by" and shall submit the entry to opposing counsel for examination. Opposing counsel shall promptly examine the entry when submitted, shall sign the entry, and shall submit the entry to the Court within five [5] days of receiving same.

C. FAILURE TO SUBMIT ENTRY. If opposing counsel shall fail or refuse to submit the entry without advising the Court as to objections thereto, the preparing attorney shall submit the entry to the Court advising the Court by letter of opposing counsel's failure or refusal and the Court shall accept the entry without opposing counsel's signature.

D. FAILURE TO PREPARE ENTRY. If an attorney agrees to prepare an entry and then fails to do so within fifteen [15] working days of the Court's request, opposing counsel may prepare the entry and submit same to the Court advising the Court by letter of the efforts made to gain preparation of the entry. Failure of counsel to prepare an entry as agreed may subject counsel to sanctions including the assessment of reasonable attorney fees for counsel who prepared the entry.

RULE 5

PAYMENT OF FEES

A. INITIAL FEES. All fees associated with the filing of a case shall be prepaid to the Clerk when the case is filed.

B. TRANSFER FEES. All fees and costs associated with the transfer of a case to another county or transfer of a case from the small claims docket to the civil plenary docket shall be paid within twenty [20] days of the Order directing transfer and the failure to pay such costs shall result in the rescinding of the Order directing transfer and jurisdiction of the case shall remain with the Court.

RULE 6

PROOF OF SERVICE

A. TRIAL RULE 5 REQUIREMENTS. Proof of service of pleadings or papers required to be served by Trial Rule 5 may be made either by:

[1] a certificate of service signed by an attorney of record which certificate shall identify by name and address the person or persons to whom service is directed; or

[2] an acknowledgment of service signed by the party served or the attorney of record if such party is represented by an attorney.

B. SERVICE OF PROCESS. Except for proof of service of process which may appear on computerized records, court personnel shall not be required to review court files to determine if a party has acquired service of process.

RULE 7

FORM AND STYLE OF PLEADINGS

FILING OF PLEADINGS

A. SIGNATURE REQUIRED. Any pleading, motion, brief or paper not signed by an attorney admitted to practice pursuant to the terms of Local Rule 2 shall not be accepted for filing, or, if inadvertently accepted for filing, shall upon discovery be stricken from the record by the Court upon its own motion.

B. PAPER SIZE. All pleadings, motions, entries, orders, judgments and other papers shall be filed on letter size [8 1/2 x 11] paper.

C. FLAT FILING. The files of the Clerk of the Court shall be kept under the flat filing system. All pleadings presented for filing with the Clerk or the Court shall be flat and unfolded.

D. CERTIFICATE OF SERVICE. All certificates of service shall identify by name and address the person or persons to whom service is directed.

E. IDENTIFICATION. Every pleading, motion, brief, and paper filed shall clearly identify the name, office address, telephone number, and Indiana Supreme Court Attorney Number of the individual attorney or attorneys filing same.

F. USE OF PARALEGAL. All pleadings, motions, briefs and papers may be filed by the attorney's secretary or paralegal.

G. ORDERS AND ENTRIES. Except as required by Local Rule 4, all proposed orders and entries shall reflect the name of the preparer under the indication "tendered by", shall be submitted in sufficient number for each person entitled to service and shall contain a distribution list identifying by name and address each person entitled to service.

H. SCHEDULING ORDERS. Proposed orders accompanying motions for the scheduling of matters for hearing, pre-trial conference and trial shall contain adequate space for the insertion of a time and date for a primary setting of the matter and a secondary setting, if desired.

I. SERVICE ON SPECIAL JUDGE. Unless otherwise directed by a special judge, after qualification by a special judge, a copy of each document filed thereafter in the proceeding shall be served on the special judge at his private office or at the Court where he regularly presides and the proof of service shall reflect such service.

RULE 8

PRE-TRIAL CONFERENCES

ASSIGNMENT OF CASES FOR TRIAL

A. COURT CALENDAR. A calendar of cases assigned for bench trial or jury trial shall be kept by the Court and the Court Reporter shall enter on the calendar at the direction of the Court, the style, cause number, and the time and date the trial is assigned to commence.

B. REQUIRED PRE-TRIAL CONFERENCE. No case shall be assigned for jury trial without the Court having conducted a pre-trial conference thereon and any party or attorney of record desirous of acquiring a jury trial shall first file a motion requesting a pre-trial conference accompanied by a proposed order.

C. OTHER PRE-TRIAL CONFERENCES. The Court, in its discretion, may require a pre-trial conference on certain cases to be heard at bench trial and the Court shall, sua sponte, set such cases for conference. Any party or attorney of record desirous of having a pre-trial conference for such cases may file a motion requesting same accompanied by a proposed order.

D. ATTENDANCE AT PRE-TRIAL CONFERENCE. At least one attorney for each party who is a member of the Indiana Bar and who will participate in the trial shall appear at the pre-trial conference. An attorney who fails to attend a pre-trial conference shall be bound by the trial date set by the Court as well as such other matters as contained in the Court's Pre-Trial Order.

E. REQUESTS FOR BENCH TRIAL. The assignment of a case for bench trial may be had by motion duly filed and accompanied by a proposed order. Said motion shall reflect an estimate of the trial time required.

F. TRIAL ASSIGNMENTS. The Court may assign a case for trial by jury on a primary or secondary basis. Ten [10] days prior to the scheduled trial date, an attorney whose case has been assigned for trial on a primary basis may file a Certificate of Readiness indicating the intention of proceeding to trial as scheduled. The failure to file such Certificate may result in forfeiture of the primary trial date if an attorney whose case has been assigned on a secondary basis files such Certificate and in such event the case assigned on a secondary basis shall be heard.

G. CERTIFICATE OF READINESS. If a Certificate of Readiness is filed pursuant to subsection F of this Local Rule, the Certificate shall be served on all parties in a cause and shall contain a certificate of service. The Certificate shall state:

[1] that the cause is at issue;

- [2] that discovery has been completed or will be completed by the scheduled trial date; and
[3] that opposing counsel was advised of the party's intention to file the Certificate five [5]
days prior to its filing.

H. CRIMINAL TRIALS. Criminal trial settings shall take precedence over civil trial
settings.

RULE 9

MOTIONS

A. GENERALLY. Excepting motions made during the course of a recorded proceeding, all motions shall be in writing.

B. PROPOSED ORDERS REQUIRED. Proposed orders shall accompany motions or applications in the following matters:

- [1] to enlarge or shorten time
- [2] for setting of hearing, conference or trial
- [3] for continuance
- [4] for default judgment
- [5] to compel discovery
- [6] to withdraw appearance
- [7] of dismissal
- [8] for change of venue
- [9] for restraining order, temporary injunction
- [10] for summary judgment
- [11] for such other orders, judgments or decrees as the Court may direct.

C. HEARINGS REQUIRED. Excepting motions to correct error, motions for summary judgment or other motions described in subsection F, subsection G and subsection H of this rule, all motions shall be set for hearing at the time of their filing and shall be accompanied by a separate instrument requesting a hearing and an order for the setting of a hearing date.

D. NOTICE OF MOTION AND ORDER. In lieu of the requirement of subsection C of this rule, an attorney may utilize a Notice of Motion and Order for routine matters such as a motion for continuance, motion to amend pleading, motion to shorten time, motion to add parties, motion to compel discovery and the like. The Notice of Motion shall indicate that the Court will rule on the motion and enter its Order beginning at 9:00 A.M. on the Monday which is not less than five [5] working days from the date of the Court's actual receipt of the Notice of Motion.

E. MOTION TO CORRECT ERROR. Any party may request a hearing upon a Motion to Correct Error by filing a written request therefor by separate instrument at any time before the Court has ruled upon such motion. It shall be discretionary with the Court whether a hearing shall be held on such Motion to Correct Error.

F. HEARING NOT REQUIRED. At the time of filing, the following motions shall be summarily granted or denied ex parte unless the Court, in its discretion, determines a hearing should be scheduled on any such motion and schedules such hearing;

- [1] Motion for Enlargement of Time [initial request]
- [2] Motion to Reconsider [denial of]
- [3] Motion for Change of Venue from Judge/County
- [4] Motion for Default Judgment
- [5] Joint Motion for Continuance
- [6] Motion to Dismiss Settled
- [7] Motion to Set Hearing/Pre-trial conference/Bench Trial
- [8] Motion For Temporary Restraining Order/Joint Preliminary Injunction in domestic matters in accordance with Local Rule 12.
- [9] Motion to Withdraw Appearance excepting in Estate, Guardianship or Criminal matters
- [10] Such matters as permitted by statute or Trial Rule.

G. MOTIONS UNDER TRIAL RULES 12, 24, 42, and 60. Motions seeking relief under Trial Rules 12, 24, 42, and 60 shall be accompanied by a brief and proof of service upon opposing counsel. An adverse party shall have fifteen [15] days after service of the movant's brief to file an answer brief, and the movant shall have seven [7] days after service to file a reply brief.

Upon expiration of the time provided by the briefing schedule, the proponent of the motion shall file a written request to schedule the matter for hearing.

H. MOTIONS FOR SUMMARY JUDGMENT. Motions for Summary Judgment and any supporting affidavits, exhibits and briefs shall be accompanied by proof of service upon opposing counsel. An adverse party may file a response and any opposing affidavits, exhibits and briefs, with proof of service upon opposing counsel, within thirty [30] days after service of the motion.

A hearing on a Motion for Summary Judgment shall be held not less than ten [10] days after the time for the filing of a response and the proponent of the motion shall file a written request to schedule the matter for hearing accompanied by an order for the setting of a hearing date.

Motions for Partial Summary Judgment shall be accompanied by proposed findings of fact and conclusions of law.

RULE 10

CONTINUANCES

A. GENERALLY. A motion for continuance of a hearing or trial shall be accompanied by an order which shall contain adequate space for insertion of a new time and date for re-scheduling purposes.

B. CONTENT OF MOTION. A motion for continuance shall set forth the scheduled date, the reason for continuance, the specific length of time the moving party desires the cause to be delayed, and reference as to whether opposing counsel agrees or disagrees to a continuance of the scheduled hearing or trial. It shall be the duty of the moving party to obtain a mutually acceptable future date if and when the motion is granted.

C. TIMING OF MOTION. No continuance shall be granted at the request of a party unless a written motion for same is filed not less than ten [10] days prior to the scheduled hearing or trial, unless it is made to appear by affidavit that the facts which are the basis of the motion did not then exist or were not then known by the moving party.

D. SANCTIONS. All delays and continuances of a cause shall be at the cost of the party causing the same, except where otherwise provided by law, and the adverse party may have such costs taxed and judgment rendered therefore upon motion duly made.

RULE 11

FINDINGS OF FACT

In all cases where findings of fact by the Court are requested or required, counsel of record shall submit to the Court proposed findings setting forth all facts claimed to have been established and the conclusions of law thereon. Such form of findings shall be submitted to the Court within such time as directed by the Court.

RULE 12

DISSOLUTION OF MARRIAGE

APPLICATION FOR PROVISIONAL ORDER, EXPEDITED HEARINGS AND MANDATORY EXCHANGE OF FINANCIAL DECLARATION FORM

A. NOTICE OF RULING DATE. An application for provisional order in a dissolution action shall be accompanied by a notice of ruling date. Said notice shall indicate the date for ruling thereon and shall further indicate [1] that the Court will rule on the application without conducting a hearing thereon and [2] that the Court will consider a written response to the application filed before the ruling date. The date set forth in the notice shall be selected by the attorney filing the application but shall not be less than ten (10) working days from the date of filing.

B. RESPONSE/REPLY. If a response to an application for a provisional order is filed on or before the ruling date, the Court shall extend the ruling date by five [5] working days from the date of the filing of the response within which time the applicant may file a reply to the response.

C. CONTENT OF PROVISIONAL PLEADINGS. When an application for a provisional order requests child support or other monetary assistance, the application and the response to the application, if any, must be accompanied by:

- [1] a child support guideline worksheet in forms consistent with that adopted by the Court in the Appendix of these Local Rules; and
- [2] an affidavit of indicating when last employed and average weekly gross income.

D. REQUEST FOR A HEARING. The Court shall grant an oral hearing on an application for a provisional order upon the timely filing of a written motion and proposed order setting hearing.

E. EXTENSION OF RULING DATE. The Court shall not enter a ruling on an application for a provisional order until ten [10] days have passed from the date of service of summons. If service of summons occurs on a date beyond the selected ruling date, the ruling date shall be automatically extended to a day which is ten [10] days from the date of service of summons and notice of such extension upon the adverse party shall not be required.

F. CHANGE OF VENUE/EMERGENCY MATTER. In that a change of venue from the Judge and/or County results in a delay of the entry of a ruling in a provisional matter, an application for child support may be deemed to be in the nature of an emergency upon the filing of

a written request for such determination within five [5] working days of the filing of the adverse party's Motion For Change of Venue. Upon such a finding by the Court, the Court shall retain jurisdiction in such instance and enter its findings on child support in accordance with this Local Rule.

G. MANDATORY EXCHANGE OF VERIFIED FINANCIAL DISCLOSURE

FORM. In all dissolution proceedings, each party shall prepare and exchange respectively within forty-five [45] days of the filing of the Petition for Dissolution of Marriage, a Verified Financial Declaration Form as set forth in the Appendix to these rules. The forty-five [45] day time limit may be extended or shortened by the Court for good cause shown. In those cases where there is service, but no appearance by counsel for the opposing party, it is the responsibility of Petitioner's Attorney to serve the completed form on the other party and to notify that party of the duty to prepare and serve one as well. The exchange of the Verified Financial Declaration Form constitutes mandatory discovery. Thus, Trial Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26 E (2) and (3), the form shall be supplemented if additional material becomes available. Further, any additional financial discovery, such as a Motion to Produce, Interrogatories, or Depositions of the parties shall not commence until the forms are exchanged. No contested marriage dissolution action will be set for trial unless counsel for either or both parties certify to the Court that the form has been completed by both parties.

However, a copy of a completed Verified Financial Disclosure Form, when served upon the opposing party, shall also be deemed to be a Request for Admissions. Therefore, in the event a party does not prepare and serve his or her respective Form within the time period provided in this rule, then the form for the complying party may be filed with the Court and the factual information contained in said Form shall be deemed admitted as fact by all parties after notice of motion and order pursuant to Local Rule 9(D). When the form is filed with the Court, it shall be sealed and designated "Confidential."

H. INDIANA CHILD SUPPORT GUIDELINES. All orders establishing or modifying child support shall be made in accordance with the Indiana Child Support Guidelines established by the Indiana Supreme Court and Indiana Code. All orders establishing or modifying child support shall be effective as of the date the request for said establishment or modification was filed.

I. CHILD VISITATION GUIDELINES. Unless the Court enters specific orders to the contrary, any order of the Court providing for custody of children shall be deemed to provide, by operation of this rule, for the implementation of access and companionship with said children by the non-custodial parent in accordance with the Child Visitation Guidelines set forth in the Appendix to these rules. Whenever an existing decree provides for visitation with children at "reasonable times and places" or uses language of similar intent, or when no other more specific visitation schedule is set forth, the Child Visitation Guidelines shall be presumed to apply.

J. CHILDREN COPE WITH DIVORCE SEMINAR. In any dissolution, separation or post dissolution proceeding where orders are requested regarding unemancipated children, both parties to the proceeding shall attend and complete the Visiting Nurses Association Seminar "Children Cope With Divorce," unless a party has attended within the prior two [2] years. Failure

to register and attend may constitute cause for denial of requested relief including provisional orders and final decrees. This rule shall not be construed to permit any party to delay legal proceedings by not registering or attending the seminar. A party, with leave of Court, may attend a similar seminar or program. Failure to comply with this section can result in a continuance or such other relief as the Court may deem necessary.

K. EXPEDITED HEARINGS. An expedited hearing is a proceeding in open court. At such hearing, the evidence shall be presented in summary fashion by the attorneys, or the parties if pro se, who shall summarize the evidence in a narrative statement. The Court may then question the parties or the attorneys and may require the presentation of brief testimony. Documentary evidence may also be received by the Court. Formal rules of evidence and procedure shall not apply, except that the Court shall endeavor to insure that traditional concepts of trustworthiness of evidence and fundamental fairness are observed.

All requests for enforcement or modification of existing orders and decrees shall first be scheduled for an "expedited" hearing. Each party shall bring to the expedited hearing all documentary evidence as required by these Local Rules. All persons seeking relief, and any party opposing the relief sought, are required to attend the expedited hearing. The parties shall first meet in a settlement conference at least 30 minutes prior to the scheduled hearing. If they are unable to agree, the Court will hear and determine the matters at issue between the parties at the expedited hearing.

Any party, in open Court at the commencement of the expedited hearing, may demand an evidentiary hearing at which all rules of trial procedure and evidence will be observed. If such demand is made, the matters then at issue between the parties will be scheduled, heard, and determined at such evidentiary hearing. The Court may, however, conduct an expedited hearing to consider and determine any emergency matters or other necessary temporary orders until the evidentiary hearing can be held. The Court may, on its own motion, either before or after the expedited hearing, decline to determine any issues on the evidence presented at such hearing and shall thereafter schedule such issues for evidentiary hearing.

RULE 13

DISSOLUTION OF MARRIAGE

FINAL HEARING

A. SCHEDULING. A final hearing on a Petition for Dissolution of Marriage shall be set by the Court in accordance with Local Rule 8 if the cause is contested. If the cause is not contested a final hearing shall be held at such time as is mutually convenient to the parties and the Court or at such other time as generally set by the particular court for hearings on uncontested matters.

B. EXPEDITED HEARING. Any party may request that the trial on a Petition for Dissolution of Marriage be held under the procedure for an expedited hearing. Such request shall be made in writing and filed with the Court. Unless the other party files, within ten [10] working days, a written objection to proceeding in expedited fashion, the Court will schedule the trial for an expedited hearing under the procedures outlined in Local Rule 12 K.

C. NOTICE IN UNCONTESTED ACTION. In an uncontested action written notice of an intention to proceed to final hearing on a date and time certain shall be given to a party not represented by counsel. The written notice shall be sent to the last known address of the party not represented and proof of service shall not be required; however, a copy of said notice shall be presented to the Court at the time of the final hearing.

D. SUMMARY DISPOSITION. A summary disposition on a Petition for Dissolution shall be entered by the Court upon submission of the appropriate documentation to the Court in accordance with the statutory requirements.

RULE 14

DISSOLUTION OF MARRIAGE

SERVICE ON REDOCKETED MATTERS

Service of process of post-dissolution actions such as petitions for modifications and applications for rule to show cause must be on a party pursuant to Trial Rule 4. Service of process of such actions upon the attorney who represented the party in the underlying dissolution action shall be deemed insufficient.

RULE 15

PROBATE

A. CLOSING WITHIN ONE YEAR. All estates shall be closed within one [1] year unless for good cause shown. Good cause for not closing an estate within one [1] year shall be shown by the verified statement setting forth the facts as to why said estate cannot be closed and an estimate of the time required for the closing of the estate.

B. INTERMEDIATE ACCOUNTING. The Court may order an intermediate accounting within thirty [30] days of the expiration of one [1] year of the opening of the estate if good cause is not shown. Such accounting shall comply with the provisions of IC 29-1-16-4 and 29-1-16-6 and such accounting shall also state facts showing why the estate cannot be closed.

C. NONCOMPLIANCE. Failure to comply with this Rule shall be grounds for removal of the personal representative, pursuant to IC 29-1-10-6, and for reduction or forfeiture of personal representative fees and attorneys fees.

D. UNSUPERVISED ESTATES. Unsupervised estates shall become supervised estates if not closed within one [1] year unless for good cause shown in accordance with paragraph A herein.

RULE 16

PROBATE

CONVEYANCE/COURT APPROVAL

A. DOCUMENTS OF CONVEYANCE. The signature of a judge shall not be necessary on any deed, lease, bill of sale or other conveyance of real estate or personal property by a personal representative. This Local Rule shall be applicable in supervised and unsupervised administration.

B. COURT APPROVAL. The approval of the Court for the sale, mortgage, lease, et cetera, of estate property, evidenced by a Court order shall continue to be necessary except in those situations exempted by IC 29-1-15-2 and IC 29-1-7.5-3 as amended.

RULE 17

**PROBATE
(reserved)**

RULE 18

DISCOVERY

A. USE OF FORM DISCOVERY. No "form" discovery shall be served upon a party unless all discovery requests on such forms are consecutively numbered and applicable to the case in which the same are utilized. The intent and purpose of this rule is to prohibit the use of form discovery unless applicable to the case at bar or where the nature of the case or the number of the parties makes the use of such forms necessary and appropriate.

B. ADMISSIONS FORMAT. Answers or objections to requests for admissions filed and served pursuant to Trial Rule 36 shall set forth in full the request for admissions being answered or objected to immediately preceding the answer or objection.

C. MOTIONS FOR DISCOVERY. The Court shall refuse to rule on any and all motions for discovery concerned with the production of documents or things, permission to enter upon land or other property for inspection and other purposes, for physical or mental examination, or to compel discovery provided in Trial Rules 26 through 37, unless moving counsel shall first advise the Court in writing that after personal consultation and sincere attempts to resolve differences with opposing counsel, they are unable to reach an accord.

D. LIMITATION ON INTERROGATORIES. The number of interrogatories which may be served pursuant to Trial Rule 33 shall be limited so as to require the answering party to make no more than forty [40] answers, each sub-part of an interrogatory counting as one [1] answer. Waiver of this limitation will be granted by order of the Court in cases in which such limitation would work a manifest injustice or would be impractical because of the complexity of the issues of the case. Each motion requesting waiver of this limitation shall contain as an exhibit the interrogatories which the party proposes to serve.

RULE 19

PUBLICATION OF DEPOSITIONS

The seal on depositions shall be broken and the deposition deemed published upon filing with the Court. When depositions are utilized in support of, or in opposition to, a motion for summary judgment or other matter, the pleadings and/or memoranda filed in support or opposition to such motion shall make specific reference by page and line or question number to those places in such deposition which purport to demonstrate the presence or absence of material fact.

RULE 20

SUBPOENAS

Pursuant to Trial Rule 45, the Clerk shall issue a subpoena, or a subpoena for the production of documentary evidence, signed and sealed but otherwise in blank, to a party requesting it or his or her attorney, who shall fill it in before service. An attorney admitted to practice law in this state, as an officer of the court, may also issue and sign such subpoena on behalf of (a) a court in which the attorney has appeared for a party; or (b) a court in which a deposition or production is compelled by the subpoena, if the deposition or production pertains to an action pending in a court where the attorney has appeared for a party in that case.

RULE 21

JURY INSTRUCTIONS

Proposed final instructions, special or pattern, shall be submitted on letter size [8 1/2 x 11] paper, double-spaced, with all designations including indications for the Court's disposition placed on the bottom three [3] inches of the instruction.

The parties shall submit a second set of proposed final instructions containing no designation of who submitted them, or other identifying references, and shall contain only the statement of law. This set of jury instructions may be sent with the jury to the jury room for use during deliberations.

RULE 22

PRAECIPES/TRANSCRIPTS

A. CONTENT. All praecipes and requests for transcripts shall be in writing and filed with the Clerk of the Court. Such praecipes and requests for transcripts relating to trials by jury shall not include voir dire, opening statements, and closing statements unless specifically requested.

B. COSTS. The party requesting a transcript shall obtain an estimate of the cost of the transcript from the Court Reporter and shall pay a deposit equal to one-half of the estimated cost of the transcript before the transcription process is undertaken by the Court Reporter. The remaining estimated cost of the transcript shall be paid upon notification by the Court Reporter to the requesting party that one-half of the transcript has been completed. The actual total cost of the transcript shall be paid in full before the transcript is released to the requesting party.

LOCAL RULE 23

EX PARTE ORDERS

(Repealed)

RULE 24

SANCTIONS

A. COURT ACTION. When a party or counsel for a party fails to comply with any of these Local Rules, the Court, after advising the party of the noncompliance, may direct the Clerk of the Court to refuse to accept the pleadings or papers to be filed, or, if inadvertently accepted for filing, direct that such pleadings or papers be stricken from the record.

B. COSTS. In addition to the foregoing, the Court may order the party or counsel for the party failing to comply with these Local Rules to pay reasonable expenses, including attorneys fees, caused by the failure.

LOCAL RULE 25

CHANGE OF JUDGE IN CRIMINAL CASES

A. CASE ASSIGNMENT Since Crawford County, Indiana has only one Court, all felony and misdemeanor proceedings will be assigned to the Crawford Circuit Court.

B. Reassignment (Change of Judge) In the event it becomes necessary to reassign a felony or misdemeanor proceeding in the Crawford Circuit Court, the following Judges will serve as replacements: Due to death of Hon. David Rojahn, the Hon. Larry Blanton of the Orange Circuit Court will be appointed; the Hon. Curtis Eskew of the Harrison Circuit Court; and Due to illness and request of the Hon. Rhys Rhodes, the Hon. Mike Cloud shall be appointed. At request of Senior Judge, Hugo Songer, he is hereby removed from the panel.

In the event a Change of Judge is granted or it becomes necessary to assign another Judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk of Court for reassignment in consecutive order to the above noted Judges.

C. Appointment of Special Judge In the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require the appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.

D. By order of adoption of these rules, the Indiana Supreme Court pursuant to IC 33-2.1-7-8, temporarily transfers the above Judges to the Crawford Circuit Court for the purposes of reassignment of felony and misdemeanor cases.

E. All Judges listed in Item "B" above have consented to serve in the Crawford Circuit Court.

Said Local Rule 25 effective this 11th day of June, 1998.

Local Rule 26

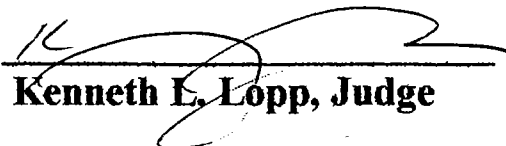
Domestic Relations Cases With Children

In all Domestic Relation cases wherein child custody is at issue, both parents shall be required to participate in the FAMILIES IN TRANSITION PROGRAM. This program will be offered by the Crawford County Youth Services Bureau. The focus of the program is to make both parents aware of the impact the dissolution has on their children, and to teach parents how to develop skills to cope with the changes that divorce brings.

The Clerk of the Court shall inform each party of the requirement to attend this program by form letter. The form letter shall be served with the summons. It will explain the program and the necessary steps each party must complete. Attorneys will make their clients aware of this requirement. The cost shall be \$55.00 per family with each party paying one half (\$15.00, for families receiving TANF or Food Stamps).

This program is mandatory and must be completed before the final hearing. In the event a party refuses or fails to complete the program as ordered by the Court, a Rule to Show Cause may be filed by the complying party compelling a party's attendance. This program is required in all dissolutions, including pro se dissolutions. The Clerk shall serve a copy of this order upon local attorneys and shall notify all other attorneys when they file a dissolution action. Furthermore, a party may petition the Court to Order parties into this program for dissolutions filed before January 1, 1999. This order shall take effect January 1, 1999.

ALL SO ORDERED THIS THE 7th DAY OF DECEMBER, 1998.


Kenneth L. Lopp, Judge



KENNETH LYNN LOPP
Judge

CRAWFORD CIRCUIT COURT

77th Judicial Circuit

Courthouse

English, Indiana 47118

812/338-3113

1-800-548-5375

Fax 812/338-2507



CINDY STROUD
Bailiff

KAY LEA CRECELIUS
Court Reporter

Dear Parents,

Children may encounter few experiences in life as personally traumatic or potentially harmful as the divorce of their parents. Separation and divorce are processes that require adaptation to rapid change, yet the nature of divorce can effect the adult's ability to parent, leaving the child at risk for fear and anxiety.

In an effort to help families cope with divorce, I am requiring your participation in the Families in Transition Program offered by the Crawford County Youth Service Bureau. The focus of the program is to make parents more aware of the impact of divorce on children, and to teach parents how to co-parent despite divorce. In addition, a program for children (ages 6-17) is provided to give them some skills to cope with the changes divorce brings to their lives.

The program is not counseling, or therapy, but rather a skill based program that emphasizes a supportive climate where feelings can be freely explored. It can help you and your family develop problem solving skills for divorce-related problems and a way for parents and children to develop better relationships with each other.

Before your petition for dissolution can be finalized in my court, your family must have completed six hours of the Families in Transition program, and paid in full all required fees. Once you have completed the program and paid the fee to the Crawford County Youth Service Bureau, you will receive a certificate of completion which must be returned to this court.

The fee for the program will be \$55.00 per family. This fee will apply to each family whether both parents attend the program or not. The fee is to be paid at the first scheduled parent's session. Should payment arrangements be required by a family, these arrangements must be made by contacting the Program Director prior to the first program session. For families receiving TANF, or Food Stamps, the program fee will be \$15.00.

For further information and scheduling about the Families in Transition Program please call the Crawford County Youth Service Bureau at 365-3165.

Please look at this as an opportunity to strengthen your relationship with your children at what I know is a most difficult and distressing time for each of you.

Sincerely,

Kenneth L. Lopp, Judge
Crawford County Circuit Court

NOTICE

YOU ARE HEREBY NOTIFIED THAT YOU MUST FILE YOUR VERIFIED FINANCIAL DISCLOSURE STATEMENT WITH THE OPPOSING PARTY WITHIN 45 DAYS OF THE FILING DATE OF THIS CASE. FAILURE TO COMPLY WILL RESULT IN YOUR ADMITTING ALL INFORMATION CONTAINED IN THE OPPOSING PARTY'S VERIFIED FINANCIAL DISCLOSURE STATEMENT.

THE VERIFIED FINANCIAL DISCLOSURE STATEMENTS CAN BE OBTAINED FROM THE COURT WHERE THIS ACTION IS FILED.

FINANCIAL DISCLOSURE STATEMENT COMMENTARY

The form included herein is intended to expedite and facilitate the preparation for trial and disposition of contested marriage dissolution cases.

It is for use in all dissolution cases in which distribution of property is an issue. It is intended also to facilitate a full disclosure of all assets of the parties and should be supplemented where necessary to accomplish that purpose. If needed, use additional sheets and attach with appropriate references.

The parties shall stipulate in writing those assets and liabilities and other matters as to which there is no disagreement.

When supplying the information called for, give the actual or, where the nature of the assets requires, the appraised or estimated value (indicating which) of each asset at the date of the final separation of the parties.

If any asset is located outside the jurisdiction of this Court, state where it is located and, if necessary, give details on a separate sheet. Indicate how much of the value of each asset held in joint ownership was contributed by the husband (h) and how much by the wife (w).

The parties shall state under oath that they have made full disclosure of assets and liabilities.

The Court recognizes that this form calls for information that may not be appropriate in every case. In those cases in which it is not totally inappropriate, merely supply information appropriate to the case at hand and indicate those inquiries that are not applicable.

STATE OF INDIANA)
) SS:
COUNTY OF _____)

IN THE _____ COURT
CAUSE NO _____

IN RE THE MARRIAGE OF

Petitioner

vs

Respondent

VERIFIED FINANCIAL DISCLOSURE STATEMENT

In accordance with Local Rule 12-G and Indiana Trial Rules 33 and 34, the undersigned, Petitioner or Respondent, herewith submits the following VERIFIED FINANCIAL DISCLOSURE STATEMENT:

I. PRELIMINARY INFORMATION

Full Name _____

Address _____

Date of Birth _____

Social Security No _____

Date of Marriage _____

Spouse's Name _____

Spouse's Social Security No _____

Spouse's Date of Birth _____

Children:

Name _____ Age _____ DOB _____

Name _____ Age _____ DOB _____

Name _____ Age _____ DOB _____

Name _____ Age _____ DOB _____

Name of Health Care Provider(s): _____ Weekly Cost: _____

Name of Health Insurance Company: _____

Weekly Cost: Single Plan _____; Family Plan _____

Extraordinary Medical Expenses: _____

Extraordinary Educational Expenses: _____

II. INCOME INFORMATION

A. EMPLOYMENT

Current Employer _____

Address _____

Telephone No _____ Length of Employment _____

Job Description _____

Gross Income _____
Per Week Bi-Weekly Per Month Yearly

Net Income _____
Per Week Bi-Weekly Per Month Yearly

B. EMPLOYMENT HISTORY FOR LAST 5 YEARS

Employer	Dates of Employment	Compensation (Per/Wk/Mo/Yr)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. OTHER INCOME

List other sources of income; including but not limited to Dividends, Earned Interest,

Rents, Public Assistance (AFDC), Social Security, Worker's Compensation, Child Support from prior marriage, Military or Other Retirement, Unemployment Compensation, etc.

Source	Amounts Received	Reason for Entitlement
_____	_____	_____
_____	_____	_____
_____	_____	_____

Fringe Benefits; including but not limited to Company Automobile, Health Insurance, Club Memberships, Cafeteria Plan, etc.

Type of Benefit	Annual Value
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

III. REQUIRED INCOME VERIFICATION

You are required by the Trial Court to attach the following:

1. Your three most recent paycheck stubs.
2. A full and complete copy including schedules of your last Federal Income Tax Return.
3. The first page of your last State Income Tax Return.

IV. PROPERTY

A. MARITAL RESIDENCE

Description _____

Location _____

Date Acquired _____

Purchase Price _____ Down Payment _____

Source of Down Payment _____

Current Indebtedness _____

Monthly Payment _____

Current Fair Market Value _____

B. OTHER REAL PROPERTY

Description _____

Location _____

Date Acquired _____

Purchase Price _____ Down Payment _____

Source of Down Payment _____

Current Indebtedness _____

Monthly Payment _____

Current Fair Market Value _____

C. PERSONAL PROPERTY (Automobiles, Boats, Furnishings, Household Goods, Jewelry, Motorcycles, Tractors, Trucks, etc [Attach additional pages if necessary])

Description	Date Acquired	Purchase Price	Indebtedness	Payment	Current Value
-------------	---------------	----------------	--------------	---------	---------------

_____	_____	_____	_____	_____	_____
-------	-------	-------	-------	-------	-------

_____	_____	_____	_____	_____	_____
-------	-------	-------	-------	-------	-------

_____	_____	_____	_____	_____	_____
-------	-------	-------	-------	-------	-------

_____	_____	_____	_____	_____	_____
-------	-------	-------	-------	-------	-------

VI. STOCKS, BONDS AND CD'S

Name of Depository	Description & No	Date Acquired	Balance Date Separated	Current Balance
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

VII. INSURANCE POLICIES

Company	Owner	Policy No	Beneficiary	Cash Value	Face Value
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

VIII. RETIREMENT BENEFITS, IRA, KEOGH, PENSION, ETC.

Company	Type of Plan	Account No	Value
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

IX. INTEREST IN BUSINESS

Name of Business	Type (Corp, Part., Sole Owner)	% Owned	Estimated Value

X. DEBTS (Including but not limited to Mortgages, Charge Cards, Loans, Credit Union, Etc.; attach separate list if necessary)

Creditor	Account No	Monthly Payment	Current Balance	Balance Date of Filing

Total Monthly Payment-----\$_____

Total Debts Owed-----\$_____

XI. MONTHLY EXPENSES

Housing (Rent or Mortgage)	_____	Transportation	
2nd Mortgage	_____	(a) Gas/Oil	_____
Gas/Electric	_____	(b) Car Repairs	_____
Water/Sewer	_____	Car Payment	_____
Telephone	_____	Home Ins.	_____
Garbage Pickup	_____	Property Tax	_____
Food	_____	Charge Accounts	
Medical (Self)	_____	(a) Name	_____
Medical (Children)	_____	Balance	_____
Dental (Self)	_____	Monthly Pmt	_____
Dental Children	_____	(b) Name	_____
Med/Dental Insurance	_____	Balance	_____
Cleaning/Laundry	_____	Monthly Pmt	_____
Hair Care	_____	(d) Name	_____
Toiletries	_____	Balance	_____
School Lunch	_____	Monthly Pmt	_____
School Tuition	_____	(e) Name	_____
School Supplies	_____	Balance	_____
Newspaper	_____	Monthly Pmt	_____
Cablevision	_____	Other	_____
		Other	_____
		Other	_____
Total Monthly Expenses		\$	_____

XII. ASSETS ACQUIRED PRIOR TO OR DURING THE MARRIAGE OR THROUGH INHERITANCE OR GIFT (Whether now owned or not)

(Show significant assets only)

A. ASSETS OWNED BY YOU PRIOR TO THE MARRIAGE

(Value as of the date of marriage)

Asset	Gross Value	Less: Lien/Mortgage	Net Value	Valuation Date
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

B. ASSETS ACQUIRED BY YOU DURING THE MARRIAGE

(Value as of the date of acquisition)

Asset	Gross Value	Less: Lien/Mortgage	Net Value	Valuation Date
_____	_____	_____	_____	_____

Acquired from _____

Acquired from _____

Acquired from _____

Acquired from _____

XIII. SUMMARY OF ASSETS AND LIABILITIES AS OF DATE
OF FINAL SEPARATION

Asset	In Name of Husband	In Name of Wife	Jointly Held	Total
Family Dwelling	_____	_____	_____	_____
Other Real Property	_____	_____	_____	_____
Bank or Savings Accts	_____	_____	_____	_____
Stocks/Bonds/Securities	_____	_____	_____	_____
Notes & Accts Receivable	_____	_____	_____	_____
Furniture/Motor Vehicles	_____	_____	_____	_____
Life Ins-Cash Surrender Value	_____	_____	_____	_____
Retirement Funds-Vested	_____	_____	_____	_____
Business Interests	_____	_____	_____	_____
Other Assets	_____	_____	_____	_____
Total Assets	\$ _____	\$ _____	\$ _____	\$ _____
Liabilities				
General Creditors	_____	_____	_____	_____
Mortgage on Family Dwelling	_____	_____	_____	_____
Mortgages on Other Real Estate	_____	_____	_____	_____
Notes to Banks and Others	_____	_____	_____	_____
Loans on Insurance Policies	_____	_____	_____	_____
Other Liabilities	_____	_____	_____	_____
Total Liabilities	\$ _____	\$ _____	\$ _____	\$ _____
ASSETS MINUS LIABILITIES	\$ _____	\$ _____	\$ _____	\$ _____

XIV. PERSONAL STATEMENT REGARDING DIVISION OF PROPERTY

Indiana law presumes that the marital property be split on a 50/50 basis. However, the Judge may order a division which may differ from an exact 50/50 division of your property. Please provide a brief statement as to your reasons, if there be any, why the Court should divide your property on anything other than a 50/50 basis.

XV. VERIFICATION & DUTY TO SUPPLEMENT OR AMEND

I affirm, under penalties for perjury, that the foregoing representations are true to the best of my knowledge and belief. Further, I understand that I am under a duty to supplement or amend this VERIFIED FINANCIAL DISCLOSURE STATEMENT prior to trial if I learn that the information which has been provided is either incorrect or that information provided is no longer true.

SO DECLARED this ____ day of _____, 199__.

Signature

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Verified Financial Disclosure Statement was this ____ day of _____, 199__, delivered to the opposing party or their attorney of record [list names and addresses] either in person, or by U.S. Mail-postage prepaid, or by Courthouse Mailbox.

Petitioner/Respondent by Counsel or Pro se

NOTICE: THIS VERIFIED FINANCIAL DISCLOSURE STATEMENT IS TO BE TREATED AS A REQUEST FOR ADMISSIONS TO THE RECIPIENT. SHOULD THE RECIPIENT FAIL TO PREPARE AND SEND HIS STATEMENT, THEN THE STATEMENTS CONTAINED HEREIN WILL BE DEEMED ADMITTED BY THE COURT. (See Local Rule 12G and 9D)

YOU ARE FURTHER NOTIFIED THAT YOU HAVE 45 DAYS FROM THE DATE OF FILING IN THIS DISSOLUTION ACTION TO DELIVER YOUR VERIFIED FINANCIAL DISCLOSURE STATEMENT.

Worksheet – Child Support Obligation

IN RE:		CASE NO:	
		FATHER:	
		MOTHER:	
PARENTING TIME CREDIT WORKSHEET			
Children	DOB	Children	DOB

Line:		
1PT	Enter Annual Number of Overnights	
2PT	Enter Weekly Basic Child Support Obligation – BCSO (Enter Line 4 from Child Support Worksheet)	_____
3PT	Enter Total Parenting Time Expenses as a Percentage of the BCSO (Enter Appropriate TOTAL Entry from Table PT)	_____
4PT	Enter Duplicated Expenses as a Percentage of the BCSO (Enter Appropriate DUPLICATED Entry from Table PT)	_____
5PT	Parent's Share of Combined Weekly Income (Enter Line 2 from Child Support Worksheet)	_____
6PT	Average Weekly Total Expenses during Parenting Time (Multiply Line 2PT times Line 3PT)	_____
7PT	Average Weekly Duplicated Expenses (Multiply Line 2PT times Line 4PT)	_____
8PT	Parent's Share of Duplicated Expenses (Multiply Line 5PT times Line 7PT)	_____
9PT	Allowable Expenses during Parenting Time (Line 6PT – Line 8PT)	_____
	Enter Line 9PT on Line 7 of the Child Support Worksheet as the Parenting Time Credit	

Each party shall complete that portion of the worksheet that applies to him or her, sign the form and file it with the court. This worksheet is required in all proceedings establishing or modifying child support.

IN RE:

CASE NO:

FATHER:

MOTHER:

CHILD SUPPORT OBLIGATION WORKSHEET

Children	DOB	Children	DOB
1. WEEKLY GROSS INCOME Subsequent Children Multipliers (Circle .935 .903 .878 .863 .854)		FATHER	MOTHER
A. Child Support (Court Order for Prior Born Child(ren))			
B. Child Support (Legal Duty for Prior Born Child(ren))			
C. Maintenance Paid			
D. WEEKLY ADJUSTED INCOME (WAI) Line 1 minus 1A, 1B, 1C and 1D			
2. PERCENTAGE SHARE OF TOTAL WAI		%	%
A. Work-Related Child Care Expenses			
3. COMBINED WEEKLY ADJUSTED INCOME (Line 1D minus Line 2A)			
4. BASIC CHILD SUPPORT OBLIGATION Apply CWAI to Guideline Schedules			
A. Work-Related Child Care Expense			
B. Weekly Premium - Children's Portion of Health Insurance only			
5. TOTAL CHILD SUPPORT OBLIGATION (Line 4 plus 4A and 4B)			
6. PARENT'S CHILD SUPPORT OBLIGATION (Line 2 times Line 5)			
7. ADJUSTMENTS			
<input type="checkbox"/> Obligation from Post-Secondary Education Worksheet Line J		+ _____	+ _____
<input type="checkbox"/> Child(ren)'s Portion of Weekly Health Insurance Premium \$ _____ (This will be a credit to the payor)		- _____	- _____
<input type="checkbox"/> Visitation Credit \$ _____		- _____	- _____
8. RECOMMENDED CHILD SUPPORT OBLIGATION			
EXPLAIN ANY DEVIATION FROM GUIDELINE SCHEDULES IN ORDER/DECREE.			

I affirm under penalties for perjury that the foregoing representations are true.